



416164

TECH CENTER 1600/2900
AUG 06 2001

RECEIVED

IN THE UNITED STATES PATENT OFFICE

Inventor : W. Roy KNOWLES, M.D.
5 Filing Date: 19 July 2000
Ser. No.: 09/619,142
Art Unit: 1614
Examiner: Vickie KIM

10

INTERVIEW SUMMARY

The Supervisory Examiner (Mr. HILL) concluded that all rejections of record appear unsupported.

Mr. HILL indicated that certain subject matter (e.g., claim 6 and the corresponding method claim) appears patentable over the art of record. Examiner KIM
15 agreed to promptly complete a search to confirm whether claim 6 (and the corresponding method claim) are patentable, and, if appropriate, to issue a Notice of Allowability.

For the other pending claims, Mr. HILL notes that, while all rejections of record appear unsupported, there appears to be a new ground for rejection under 35 USC 103, based on Rajadhyaksha. Mr. HILL suggests withdrawing the Office Action of March
20 27, 2001 and reopening prosecution on the merits with a new Office Action citing the new grounds for rejection.

Mr. HILL also said there could be a potential defect in the Rule 131 Declaration, as the Declaration should preferably recite that the research was done in the United States (or a WIPO country). Applicant noted the Examiner has already accepted the
25 Inventor's Rule 131 Declaration, see MPEP 602.03 ("In the first office action the examiner must point out every deficiency in a declaration or oath and require that the same be remedied."). Applicant also noted, however, that the research was in fact done in the United States, so the defect would not be difficult to remedy if raised. Applicant requires, however,

that any alleged defect be raised in writing **immediately**, as the Declarant is seriously ill and may thus become unavailable to amend his Declaration.

Applicant thus understands the Examiner will either: (A) provide a Reply Brief to the pending Appeal; or (B) withdraw the Office Action of March 27, 2001 and issue 5 a new Office Action citing the new ground for rejection under 35 USC 103 based on Rajadhyakasha.

Respectfully submitted,

10


Mark Pohl, Reg. No. 35,325
27 July 2001

15 Pharmaceutical Patent Law
55 Madison Avenue
4th floor (P 4014)
Morristown, NJ 07960
licensinglaw@juno.com
20  +1 (973) 665-0275

X:\pohl\Knowles\response